

Applicant : Min Zhu, et al.
Appl. No. : 09/751,807
Examiner : Kenneth R. Coulter
Docket No. : 16440.4002

Remarks

Claims 1-26 are pending in this application. Claim 1 has been amended, claims 2-26 have been cancelled, and claims 27-41 have been added. No new subject matter has been added.

Rejections under 35 USC §102.

Claim 1 is rejected under 35 USC §102, as being anticipated by Savage, III et al. (U.S. Patent App. No. 09/777,392). The applicants respectfully submit that claim 1, as amended, is condition for allowance.

"[A] claim is anticipated if each and every limitation is found either expressly or inherently in a single prior art reference." *Celeritas Techs., Ltd. v. Rockwell Int'l. Corp.*, 150 F.3d 1354, 1361, 47 U.S.P.Q.2d 1516, 1522 (Fed. Cir. 1998). The standard for lack of novelty, that is, for "anticipation," is one of strict identity. *Trintec Indus., Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 1296, 63 U.S.P.Q.2d 1597, 1600 (Fed. Cir. 2002). Savage, III et al. does not disclose each and every limitation found in independent claim 1 or independent claims 32 and 37. For example, though Savage, III et al. discloses "a second dispatch server 102" that monitors the health of the dispatch server and replaces the dispatch server in the event that the dispatch server goes down (para. [0042] of Savage, III, et al.), Savage, III et al. fails to disclose, teach or suggest having a plurality of server programs and/or computers mutually monitor each other, as required by independent claims 1, 32, and 37. As disclosed in the present application, the advantage of having the server programs and/or computers mutually monitor each other is to prevent a single point of failure in the system. (para. [0074] of present application). Such an advantage or solution is neither taught nor suggested in Savage, III et al., which only discloses a single "second dispatch" server that unilaterally monitors the primary dispatch server, and thus discloses a system with a single point of failure.

In yet another example, neither Savage, III et al., nor any of the other cited references, disclose, teach, or suggest an on-line conference that provides desktop sharing, as required by independent claims 1, 32, and 37.

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Therefore, independent claims 1, 32 and 37, and the respective dependent claims 27-31, 33-36, and 38-41 are patentably distinguishable over the Savage, III et al. reference.

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Conclusion

Prompt and favorable action on the merits of the claims is earnestly solicited. Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

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By: _____

Joseph K. Liu
Reg. No. 51,957

Orrick, Herrington & Sutcliffe LLP
4 Park Plaza, Suite 1600
Irvine, CA 92614-2558
Tel. 949-567-6700
Fax: 949-567-6710